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Serial No. 10/657,524

Response to Office Action mailed Apr. 18, 2006

UTILITY PATENT

B&D No. TN3481

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Daryl S. MEREDITH**

Serial No.: 10/657,524

Examiner: **C. Dexter**

Filed: **September 8, 2003**

Group Art Unit: **3724**

For: **IMPROVED FENCE ARRANGMENT FOR A SLIDE MITER SAW**

Assistant Commissioner for Patents

Washington, DC 20231

RESPONSE TO OFFICE ACTION

I, Adan Ayala, PTO Reg. No. 38,373, hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on 6-23-06


Adan Ayala

Dear Sir:

This is in response to the Office Action mailed April 18, 2006.

Currently pending in the application are Claims 1-9 and 17.

The Examiner rejected Claims 1 and 6-9 under 35 USC 102(b) as anticipated by EP 0 752 300 ("EP '300"). This rejection is respectfully traversed.

The Examiner has argued that EP '300 has a fixed fence 48, a movable fence 32, 34, and an auxiliary fence 80 disposed behind the fixed and movable fences, the auxiliary fence 80 contacting the workpiece when the movable fence 32, 34 is removed. This is incorrect.

Auxiliary fence 80 is attached to fence 32 or 34. Accordingly, when fence 32 or 34 is removed, so is auxiliary fence 80. If auxiliary fence 80 is removed, it cannot contact a workpiece.

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By contradistinction, Claim 1 requires "an auxiliary fence disposed behind at least one of the fixed fence and the movable fence, ... the auxiliary fence contacting the workpiece when the movable fence is removed." Because EP '300 does not disclose such elements, it cannot anticipate Claim 1 and its dependent claims.

The Examiner also has argued that EP '300 has a fixed fence 48, a movable fence 60, and an auxiliary fence 80 disposed behind the fixed and movable fences, the auxiliary fence 80 contacting the workpiece when the movable fence 60 is removed. This is incorrect because nothing in EP '300 teaches or suggests that flap 60 is removable.

Instead, EP '300 only teaches that "[f]lap 60 is pivotally mounted at 81 to movable fence 32 within a recess 80 provided at the inner end of movable fence 32." EP '300, col. 9, lns. 51-53. Applicant notes further that the Examiner did not any support in EP '300 for flap 60 being removable in response to the Applicant's arguments. Applicant hereby requests that the Examiner identify where EP '300 teaches or suggests that flap 60 is removable if the Examiner continues to interpret flap 60 as the movable fence.

By contradistinction, Claim 1 requires "a movable fence removably connected to the fixed fence." Because EP '300 does not disclose such elements, it cannot anticipate Claim 1 and its dependent claims.

The Examiner rejected Claims 1 and 6-9 under 35 USC 103(a) as being unpatentable over US Patent No. 4,869,142 ("Sato") in view of US Patent No. 5,297,463 ("O'Banion") or EP '300. Reconsideration and withdrawal of these rejections are respectfully requested.

Both O'Banion and EP '300 should be disqualified as prior art pursuant to 35 USC § 103(c), as both O'Banion and EP '300 are owned by the owner of the present application.

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Applicant hereby attaches a Statement of Common Ownership to disqualify O'Banion and EP '300 as prior art under the present rejection. Accordingly, the present rejection is moot.

No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

In view of the foregoing, Claims 1-9 and 17 are patentable and the application is believed to be in condition for formal allowance.

Respectfully submitted,



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